

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

STEPPING STONES EARLY
LEARNING CENTER, INC.,

Plaintiff,

vs.

NATIONWIDE MUTUAL FIRE
INSURANCE COMPANY,

Defendant

Case No: _____

NOTICE OF REMOVAL

**TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MAINE**

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1332(a), 1441, and 1446, the Defendant, Nationwide Mutual Fire Insurance Company (“Nationwide”), by and through its undersigned counsel, Richardson, Whitman, Large & Badger, hereby gives notice of removal of this case to this Honorable Court from the Superior Court of Maine, in and for the County of Androscoggin, in which this action is now pending. Nationwide appears solely for the purpose of removal and for no other purpose, reserving all defenses available to it. In support of removal, Nationwide asserts as follows:

1. The underlying action was commenced against Nationwide in the Superior Court of Maine, in and for the County of Androscoggin, captioned *Stepping Stones Early Learning Center, Inc., v. Nationwide Mutual Fire Insurance Company*, Docket No. AUBSC-CV-2022-78. True and accurate copies of

the Summons and Complaint as received by Nationwide are attached hereto as **Exhibit A**.

2. Plaintiff's Complaint is dated June 23, 2022 and process was served on Nationwide on August 2, 2022.
3. Within the Complaint, Plaintiff sets forth actions for: (1) Breach of Contract; (2) Declaratory Judgment; (3) Specific Performance; and (4) Unfair Claims Settlement Practices pursuant to 24-A M.R.S. 2436-A.
4. Upon information and belief, Plaintiff is a citizen of the State of Maine.
5. Nationwide is a corporation organized and existing under laws of the State of Ohio with a principal place of business located at One Nationwide Plaza, Columbus, OH 43215. *Bayerische Landesbank, New York Branch v. Aladdin Capital Management LLC*, 692 F.3d 42, 48 (2d Cir. 2012) (quoting from 28 U.S.C. § 1332(c)(1), "a corporation is considered a citizen of the state in which it is incorporated and the state of its principal place of business").
6. The Plaintiff is not domiciled in the State of Ohio. This case is therefore removable pursuant to 28 U.S.C. § 1441(a) as diversity of citizenship exists between the parties, as defined by 28 U.S.C. § 1332(a).
7. On August 15, 2022 the undersigned counsel spoke to Plaintiff's counsel regarding the dollar amount in controversy. Plaintiff's counsel replied that he guesses the amount in controversy to be between \$80,000 and \$100,000.
8. Pursuant to 28 U.S.C.A. § 1446(b)(3): "Except as provided in subsection (c), if the case stated by the initial pleading is not removable, a notice of removal may be filed within 30 days after receipt by the defendant, through service

or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable.” *See also Moltner v. Starbucks Coffee Co.*, 624 F.3d 34, 38 (2d Cir. 2010) (“[T]he removal clock does not start to run until the plaintiff serves the defendant with a paper that explicitly specifies the amount of monetary damages sought.”)

9. As required by 28 U.S.C. § 1446(d), Nationwide will give notice of the filing of this Notice of Removal to the clerk of the Superior Court of Maine in and for the County of Androscoggin, where the action is now pending.

WHEREFORE, Nationwide respectfully requests that the above action now pending against it in the Superior Court for the State of Maine, in and for the County of Androscoggin, be removed therefrom to this Court.

Dated at Portland, Maine this 18th day of August 2022.

**DEFENDANT, NATIONWIDE
MUTUAL FIRE INSURANCE
COMPANY**

/s/ John S. Whitman

John S. Whitman

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CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2022, I electronically filed the above document with the Clerk of Court by email and provided notice to counsel for the Plaintiff by email.

/s/ John S. Whitman
John S. Whitman

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